

1 **SEC. 3. Title page—how printed.** The front page of the journal
 2 of each house of the general assembly shall hereafter have printed
 3 thereon substantially the following:

4 IOWA STATE
 5 SENATE JOURNAL
 6 (or HOUSE)

7 Blank day and date.

8 Printed daily by the state of Iowa, during the sessions of the general
 9 assembly.

10 Subscription price per session for the journal of either house, \$1.00.
 11 Secretary of State, Des Moines, Iowa.

1 **SEC. 4. Admission to mail—subscription price.** The secretary
 2 of state is directed to make application to the post office department
 3 for the admission of these journals to the United States mail as second
 4 class matter and when so admitted, these additional words shall be
 5 printed on the front page of each journal and the subscription price
 6 fixed accordingly.

7 “Both journals to one address \$1.50.”

Approved April 15, A. D. 1915.

CHAPTER 180.

GOVERNMENT OF CITIES AND TOWNS BY COUNCIL AND MANAGER.

H. F. 408.

AN ACT providing for the government of cities and incorporated towns by a council and manager; for the adoption of such plan of government by special election, and for penalties for violation of the provisions hereof, this act being additional to title V, of the code, and all amendments thereto.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Organization authorized.** That any city or incor-
 2 porated town and cities organized under chapter 14-C, supplement to
 3 the code, 1913, may become organized as a city or incorporated town,
 4 as the case may be, under the provisions of this act, by proceeding as
 5 hereinafter provided.

1 **SEC. 2. Adoption of plan—special election.** Upon petition,
 2 signed by the electors of any city or incorporated town or any city
 3 organized under chapter 14-C, supplement to the code, 1913, equal
 4 in number to twenty-five per centum of the votes cast for all candi-
 5 dates for mayor, at the last preceding election of such city or town,
 6 the mayor shall, not less than thirty days prior to the election to be
 7 held as herein provided, by proclamation, submit the question of
 8 organizing the government of such city or town, under this act, at a
 9 special election to be held at a time specified in such proclamation,
 10 and within two months after such petition is filed with the clerk of
 11 such city or town; provided, that in case not less than ten per centum

12 of the qualified electors of any city reside in each of two or more
13 townships, said petition shall be signed by not less than ten per
14 centum of the qualified electors of such city, residing in each of such
15 townships. If such plan of government be not adopted at the special
16 election called, the question of adopting said plan shall not be re-
17 submitted to the voters of such city or town, within two years there-
18 after. At such election, the proposition to be submitted shall be;
19 "Shall the city (or incorporated town, as the case may be) of (name
20 of city or incorporated town), organize under chapter (naming the
21 chapter containing this act), of the acts of the thirty-sixth general
22 assembly of the state of Iowa." The election at which the question
23 of organizing the government of such city or town, under this act,
24 shall be conducted, the vote canvassed, and the result declared in the
25 same manner as provided by law, in respect to elections in cities and
26 towns organized under the general laws of the state. If a majority
27 of the votes cast at such election shall be in favor of the organization
28 of the government of such city or town, under the provisions of this
29 act, cities having a population of twenty-five thousand or more, shall
30 thereupon proceed to the election of five councilmen, and cities and
31 towns having a population of less than twenty-five thousand shall
32 proceed to the election of three councilmen; provided, however, that
33 in any city having a population of twenty-five thousand or more, and
34 less than seventy-five thousand, of which the territory embraced
35 within the boundaries of such city lies in two townships, which are
36 divided by a water course, four councilmen shall be elected, two of
37 whom shall be residents of, and elected from that part of the city
38 lying within each of such townships. Upon the adoption of the propo-
39 sition to organize the government of such city or town, under this act,
40 the mayor shall immediately transmit to the governor, to the sec-
41 retary of state, and to the county auditor, a certificate that the form
42 of government provided by this act has been adopted, and the council-
43 men for which provision is made herein, shall be elected at the next
44 regular city or town election, after the adoption of such form of gov-
45 ernment. If, however, the next regular city or town election does not
46 occur within one year after the special election at which such form
47 of government is adopted, the mayor shall, within ten days after such
48 election, by proclamation, call a special election for the election of
49 councilmen, as herein provided, and shall give thirty days' notice of
50 such special election, which notice shall be included and given in the
51 call for such special election. The special election, so called for the
52 election of councilmen, shall, in either case, be conducted as herein-
53 after provided.

1 SEC. 3. Statutes applicable—ordinances, etc. All laws govern-
2 ing cities of the first class, organized under the general
3 laws of the state, not inconsistent with the provisions of this act,
4 shall apply to and be in force in every city of the first class, organ-
5 ized hereunder; all laws governing cities of the second class, organized
6 under the general laws of the state, not inconsistent with the pro-
7 visions of this act, shall apply to and be in force in every city of the
8 second class, organized hereunder, and all laws governing incorporated
9 towns, not inconsistent with the provisions of this act, shall apply to
10 and be in force in every such town organized hereunder. All by-laws,

11 ordinances and resolutions lawfully passed, and in force in any such
12 city or incorporated town, under its former organization, shall be and
13 remain in force until altered or repealed by the council elected under
14 the provisions of this act. The territorial limits of such city or town
15 shall remain the same as under its former organization, and all rights
16 and property of every description, which were vested in any such city
17 or town, under its former organization, shall vest in the same when
18 organized under the provisions of this act, and no right, or liability,
19 in favor of, or against such city or town, existing at the time of the
20 adoption of the form of government herein contemplated, and no suit
21 or prosecution of any kind, shall be affected by the change of the
22 form of government of such city or town, unless herein, otherwise pro-
23 vided.

1 **SEC. 4. Tenure of office.** The councilmen elected at the special
2 election called by the mayor, after the adoption of the form of gov-
3 ernment contemplated by this act, shall qualify, and their terms of
4 office shall begin on the first Monday after their election, and they
5 shall hold office until the next regular biennial municipal election,
6 and until their successors are elected and qualified. At the first
7 regular biennial election, after the organization of any city or town,
8 under the provisions of this act, in all such cities and towns where
9 three councilmen are to be elected, one councilman shall be elected
10 for the term of two years, and two for the term of three years.
11 When four councilmen are to be elected, as provided in section 2
12 hereof, one shall be elected from each township for the term of two
13 years, and one from each township for the term of three years, and
14 in cities where five councilmen are to be elected, two shall be elected
15 for two years, and three for three years. At the next regular biennial
16 municipal election, and biennially thereafter, there shall be elected, a
17 member or members of the council for the term of three years to suc-
18 ceed those whose terms of office will expire the first Monday in April,
19 following such election, and there shall also be elected at such regular
20 biennial municipal election, a member or members of the council for
21 a term of three years to succeed those whose terms will expire one
22 year after the first Monday in April following such election.

23 The time when each candidate for councilman shall begin his term
24 of office shall be specified under his name on the ballot, and all peti-
25 tions for nomination of members of the council, to be voted for at
26 such regular biennial municipal election, shall specify the length of
27 the term of office for which the candidate seeks nomination. The
28 terms of office of the mayor and councilmen or aldermen of any city
29 or incorporated town, adopting the form of government contemplated
30 by this act, in office at the beginning of the terms of office of the
31 councilmen first elected, under the provisions hereof, shall then cease
32 and determine, and except the members of the library board, whose
33 terms of office shall continue as now provided by law, the terms of
34 office of all other officers including park commissioners, members of
35 the board of public works, and water works trustees, whether elected
36 or appointed, and of all employees of such city or incorporated town,
37 shall be subject to the action of the council or manager, as herein
38 provided. Except the members of the library board, the council shall
39 have power to determine the tenure of office of any officer or the

40 term of employment of any employee that it is authorized to appoint
 41 or employ, and to declare any such office vacant, or to discharge any
 42 such employee with or without cause, as it may deem advisable, and
 43 the manager shall have power to determine the tenure of office of
 44 any officer or the term of employment of any employee that he is
 45 authorized to appoint or employ, and to declare any such office va-
 46 cant, or to discharge any such employee with or without cause, as
 47 he may deem advisable.

1 **SEC. 5. Councilmen—nomination—election.** Candidates for
 2 councilmen, to be voted for under the provisions of this act, shall be
 3 nominated by petition, filed with the city or town clerk, ten days be-
 4 fore the day of election, and no name shall be placed upon the ballot,
 5 except the names of candidates nominated by such petition. The peti-
 6 tion for the nomination of councilmen shall be signed by at least ten
 7 electors of the city or town, for every one thousand inhabitants of
 8 such city or town, as shown by the last previous federal or state
 9 census, and no petitioner shall sign any petition or petitions for more
 10 candidates than are to be elected in the city or town in which such
 11 petition is filed. No person shall be deemed nominated for the office
 12 of councilman, unless the petition for his nomination shall have been
 13 signed as herein required. The petition for the nomination of coun-
 14 cilmen shall be substantially in the following form:

15 “The undersigned, duly qualified electors of (here insert the name
 16 of the city or town), and freeholders therein, and residing at the place
 17 set opposite our respective names, hereby nominate (name of candi-
 18 date), as candidate for the office of councilman, of the (name of city
 19 or town), and request that his name be placed upon the official ballot
 20 of said city (or town), at the municipal election to be held therein, on
 21 the..... Monday, of....., 19.....

22 We further state that we know the said (name of candidate) to be a
 23 qualified elector of said city (or town), a man of good moral character,
 24 and in our judgment, qualified for the duties of councilman.

25 Name of electors. Residence. Street and number.

26

27 In cities where the residences are numbered, the street and number
 28 of the residence of each elector, signing such petition, shall be written
 29 on the petition immediately after the name of the elector, and no name
 30 upon any such petition shall be counted unless the street and number
 31 of the residence of the person signing the same appear thereon, as
 32 herein provided. Petitions for nomination of councilmen, filed with
 33 the city or town clerk, shall, within two days after the expiration of
 34 the time within which such petitions may be filed, be canvassed by
 35 the city or town council, as the case may be, and the names of all per-
 36 sons who shall have been nominated by such petitions, shall, by the
 37 clerk, be placed upon the official ballot of the city or town, of the
 38 municipal election for which such nominations are made. The names
 39 of the candidates shall be arranged upon the ballot in the manner pro-
 40 vided by section 1087-a13, supplement to the code, 1913, as nearly as
 41 may be, with a square at the left of each name, and below the names
 42 of each of such candidates, shall appear the words, vote for (here in-
 43 sert the number of councilmen to be elected) as the case may be. The
 44 ballots shall be printed upon plain, substantial white paper, through

45 which the printing or writing cannot be read, and shall be headed,
46 "Candidates for councilmen of (name of city or town), at the general
47 (or special) municipal election of 19....." The candidates upon the
48 ballot shall be voted for by placing a cross in the square preceding the
49 name of the candidate for whom the vote is cast.

1 **SEC. 6. Ballots—judges—returns.** The city or town clerk shall
2 cause the ballots to be prepared and printed as herein specified, and
3 shall deliver, or cause to be delivered, at every polling precinct in
4 the city or town, a number of ballots equal to twice the number of
5 votes cast at such precinct at the last general municipal election. The
6 city or town council shall appoint the judges and clerks of the election.
7 The election shall be conducted, the vote canvassed, and the certified
8 return thereof made by the judges of such election as provided by
9 law. The returns from the voting precincts shall be canvassed, the
10 result declared by the council, and clerk, on the day after the election,
11 and notice of the result given at the time and in the manner provided
12 by statute.

1 **SEC. 7. Election statutes applicable.** All of the provisions of
2 section 1056-a22, and 1056-a23, supplement to the code, 1913, shall
3 apply to elections held under the provisions of this act, and any person
4 violating any of the provisions of either of said sections shall, upon
5 conviction thereof, be punished as therein provided.

1 **SEC. 8. Mayor—election—authority.** The councilmen elected
2 hereunder, after having duly qualified as officers of the city or town in
3 which they are respectively elected, shall, on the first Monday after
4 their election, organize the government of such city or town under
5 the provisions of this act, and shall, at that time, elect one of their
6 number as chairman and presiding officer who shall be designated as
7 mayor of the city or town in which he is elected. The member of the
8 council so elected shall be recognized as the official head of the city
9 or town, by the courts and officers of the state, upon whom service
10 of civil process may be made. He may take command of the police,
11 and govern the city by proclamation at times of public danger, or
12 during an emergency, and shall be the judge as to what constitutes
13 such public danger or emergency. But the election of a member of
14 such city or town council as mayor, shall not give him or confer upon
15 him any additional power or authority, except such as is herein pro-
16 vided and such as is ordinarily exercised by a presiding officer.

1 **SEC. 9. Procedure of council.** In all cities where five or four
2 councilmen are chosen, three members of the council shall constitute
3 a quorum, and in cities and incorporated towns in which three council-
4 men are chosen, under the provisions of this act, two of the council
5 shall constitute a quorum. Upon every vote of the city or town
6 council, the yeas and nays shall be called and recorded, and every
7 motion, resolution or ordinance shall be reduced to writing, and read
8 before the vote is taken thereon, and every resolution or ordinance
9 passed by the council must be signed by a majority of the council, and
10 be recorded before the same shall be in force.

1 **SEC. 10. Compensation—powers conferred.** The members of the
2 city or town council elected under the provisions of this act, shall

3 serve and perform all of the duties of their respective offices without
4 compensation, and every city which shall adopt the form of govern-
5 ment herein contemplated shall, upon the adoption of such form of
6 government become a city of the first or second class, under the gen-
7 eral laws of the state, according to the population of such city. The
8 council of every city or town, organized hereunder, shall have, possess
9 and may exercise all executive, legislative, and judicial powers, not
10 inconsistent with this act, conferred by law upon councils of cities and
11 towns of the same class organized under the general laws of the state,
12 and every city and town organized under this act, shall have, possess
13 and may exercise the corporate powers, not inconsistent with the pro-
14 visions hereof, conferred by chapters one, two, three, four, five, six,
15 seven, eight, nine, ten, eleven, twelve and thirteen, of title V of
16 the code, and acts amendatory thereto, upon cities and towns of the
17 same class organized under the general laws of the state.

1 **SEC. 11. Meetings.** Regular meetings of the council shall be held
2 on the first Monday after the election of councilmen, and on the first
3 Monday of each month thereafter. Special meetings may be called
4 from time to time by two councilmen. All meetings of the council
5 whether regular or special, shall be open to the public. If, at any
6 meeting, the presiding officer of the council be not present, the mem-
7 bers of the council present shall select one of their number to act as
8 presiding officer pro tempore, and his act as presiding officer pro
9 tempore shall have the same force and legality as though performed by
10 the regularly elected presiding officer of the council.

1 **SEC. 12. Statutes applicable.** All of the provisions of section
2 1056-a31, supplement to the code, 1913, shall apply to all officers and
3 employees elected or appointed in any city or town, organized under
4 this act, as fully as though the provisions of such section were incor-
5 porated and repeated herein.

1 **SEC. 13. Manager—appointment—tenure.** At the first meet-
2 ing after their election, or as soon thereafter as practicable, the
3 council shall appoint a competent person manager, who shall be the
4 administrative head of the municipal government of the city or town
5 in which he is appointed. Such manager shall be under the direction
6 and supervision of the council, and shall hold office at its pleasure.

1 **SEC. 14. Qualifications—bond.** Before entering upon the duties
2 of his office, the manager shall take an official oath that he will sup-
3 port the constitution of the United States, the constitution of the state
4 of Iowa, and without fear or favor, he will, to the best of his ability
5 faithfully and honestly perform the duties of his office, and shall
6 execute a bond in favor of the city or town, for the faithful per-
7 formance of his duties, in such sum as may be fixed by the council.

1 **SEC. 15. Manager need not be resident—manager pro tem.**
2 The council in making the appointment of a manager, shall consider
3 the qualification and fitness only of the person appointed, and he
4 shall be appointed without regard to his political affiliation, and need
5 not be a resident of the city or town, at the time of his appointment.
6 During the absence or disability of the manager, the council may
7 designate some properly qualified person to perform and execute the
8 duties of his office.

1 **SEC. 16. Duties of manager.** The duties of the manager shall
2 be:

3 (1) To see that the laws and ordinances of the city or town are
4 faithfully enforced and executed.

5 (2) To attend all meetings of the council.

6 (3) To recommend to the council such measures as he may deem
7 necessary or expedient for the good government and welfare of the
8 city or town.

9 (4) He shall have the general supervision and direction of the ad-
10 ministration of the city or town government. He shall supervise and
11 direct the official conduct of all appointive officers of the city or town,
12 except the clerk, police judge or magistrate, solicitor, corporation
13 counsel, assessor, board of review, and members of the library board.
14 He shall supervise the performance of all contracts for work to be
15 done for the city or town, make all purchases of material and supplies,
16 and see that such material and supplies are received, and are of the
17 quality and character called for by the contract.

18 (5) He shall have power to employ and discharge from time to
19 time, as occasion requires, all employees of the city or town, and to
20 fix the compensation to be paid to such employees, except as other-
21 wise herein provided. He shall have power to discharge summarily
22 and without cause any officer, appointee or employee that he has
23 power to appoint or employ. He shall supervise and manage all
24 public improvement, works and undertakings of the city or town, and
25 shall have charge of the construction, improvement, repair and main-
26 tenance of streets, sidewalks, alleys, lanes, squares, bridges, viaducts,
27 aqueducts, public highways, sewers, drains, ditches, culverts, streams
28 and water courses, except those designated in and which are covered
29 by the provisions of chapter nine, of title V, supplement to the code,
30 1913, and amendments thereto, and of all public buildings. He shall
31 manage, supervise and control market houses, crematories, sewage
32 disposal plants and farms, and shall enforce all obligations of privately
33 owned or operated public utilities enforceable by the city or town. He
34 shall have charge of the making and preservation of all surveys, maps,
35 plans, drawings, specifications and estimates for public works or
36 public improvements; the cleaning, sprinkling and lighting of streets,
37 alleys and public places; the collection and disposal of waste, and the
38 preservation of tools and appliances belonging to the city or town.
39 He shall manage all municipal water plants, lighting, heating or
40 power plants, and transportation enterprises. He shall manage,
41 supervise and control the use, construction, improvement, repair and
42 maintenance of all recreational facilities of the city or town, including
43 parks, play grounds, public gymnasiums and public bath houses.

44 (6) He may, without notice, and summarily cause the affairs of
45 any department or the conduct of any officer under his supervision,
46 or of any employee, to be investigated, and he, or any person appointed
47 by him to examine or investigate the affairs of any department, or the
48 conduct of any officer or employe, shall have power to compel the at-
49 tendance of witnesses, the production of books and papers, and other
50 evidence, and to punish for contempt any person who shall fail to at-
51 tend and testify as a witness when duly summoned, or who shall fail
52 to produce any books, papers or other evidence under his control
53 when required to do so.

54 (7) He shall take active control of the police, fire and engineer-
55 ing departments of the city or town, and employ such assistants and
56 employees therein as to him shall be deemed advisable.

57 (8) He shall, in his discretion, issue licenses, authorized by law,
58 and may revoke the same at pleasure. All licenses issued shall be
59 signed by the manager, and clerk, and duly entered in a book kept
60 for that purpose.

61 (9) He shall keep the council fully advised of the financial and
62 other conditions of the city or town, and of its future needs.

63 (10) He shall have power to appoint or employ persons to fill
64 all places for which no other mode of appointment is provided, and
65 shall have power to administer oaths.

1 SEC. 17. Budget. The manager shall prepare and submit to the
2 council, an annual budget on the basis of estimates of the expenses
3 of the various departments of the city or town. These departmental
4 estimates shall show the expenses of each department for the preced-
5 ing year, and shall indicate wherein an increase or a diminution is
6 recommended for the ensuing year. Such estimates shall be published
7 in the official newspapers of the city or town, two weeks before such
8 estimates are submitted by the manager to the council, and printed
9 copies thereof shall be furnished to any citizen upon request to the
10 manager. The budget so submitted to the council shall be taken up
11 by it in open meeting, and full opportunity shall be given for hearing
12 any objections or protests which any tax payer of the city or town may
13 desire to make to any item or items in such budget, or to any omis-
14 sions therefrom. He shall, at all times, see that the business affairs
15 of the municipal corporation of which he is manager, are transacted
16 in a modern and scientific method, in an efficient and businesslike
17 manner, and that accurate records of all of the business affairs of
18 the city or town under his management, be fully and accurately kept.
19 He shall make to the council an itemized monthly report
20 in writing, showing in detail, the receipts and disbursements,
21 for the preceding month, and such report shall be made by him not
22 later than the tenth day of each month. The reports so made, after
23 having been passed upon by the council, shall be published each month
24 in the official newspapers of the city or town. He shall be account-
25 able to the council for his actions, and conduct, and for the manage-
26 ment of the business affairs of the city or town. He shall perform
27 any duty specially required of him by the council, and may be dis-
28 charged at the will of the council, without cause.

1 SEC. 18. Salary. The salary of the manager shall be fixed by
2 the council, and paid monthly from the treasury of the city or town,
3 upon an order, signed by the presiding officer, of the council, and the
4 clerk.

1 SEC. 19. Appointed officers—official newspaper. The council
2 shall, at the first meeting after its members are elected, appoint a
3 clerk, and at such meeting, or as soon thereafter as practicable, ap-
4 point a police judge or magistrate, a solicitor, an assessor, and the
5 members of the library board, as the terms of office of the members
6 of said board shall expire. It may also appoint a corporation counsel,
7 and assistant solicitors, if deemed advisable. All officers so appointed

8 by the council shall have and exercise all powers conferred upon such
9 officers by the laws governing cities and towns organized under the
10 general laws of the state, and their compensation shall be fixed and
11 paid, and they shall perform the duties of their respective offices, as
12 required by such laws. The council shall, on or before the first Mon-
13 day of April, in each year, also appoint three persons who shall con-
14 stitute a local board of review of the city or town in which they are
15 appointed. The compensation of such board of review shall be fixed
16 by the council and paid from the general fund of the city or town, and
17 such board shall be governed by the statute relating to boards of re-
18 view, and shall possess and exercise all of the powers conferred upon
19 local boards of review by law. The council shall also select one or
20 more newspapers of general circulation published within the city or
21 town, which shall be designated official papers. If no newspaper is
22 published in any town organized under this act, the council of such
23 town may, in its discretion, select a newspaper published in the county,
24 which has a circulation in such town, and designate the same the
25 official paper of the town. All ordinances, resolutions, and proceed-
26 ings of any city or town, organized under the provisions of this act,
27 required to be published, shall be published in the official paper or
28 papers so selected by the council.

1 **SEC. 20. Prohibition.** No councilman elected under the provi-
2 sions of this act, shall be, by the manager appointed to any office of
3 the city or town in which he is elected, or employed in any department
4 thereof, and any councilman or manager who shall violate the pro-
5 visions of this section shall be guilty of a misdemeanor, and shall, upon
6 conviction thereof, be punished as provided by section 4906 of the
7 code. Any councilman or manager violating the provisions of this
8 section, may be removed from office, under the provisions of chapter
9 8, title VI, supplement to the code, 1913.

1 **SEC. 21. Political activity.** The manager shall take no part in
2 any election held for the purpose of electing councilmen, except that
3 he may attend at the polls and cast his vote, if he is a qualified elector
4 of the city or town, and any attempt upon his part to procure the
5 election of any person as councilman, or to induce any elector to vote
6 for any person for councilman, or any solicitation by such manager,
7 of any elector to vote for any person or persons, for the office of
8 councilman, shall be a misdemeanor, and upon conviction thereof, he
9 shall be punished as provided by section 1906* of the code, and in
10 addition to such punishment, he may be removed from office, under
11 the provisions of chapter 8, title VI, supplement to the code, 1913.

SEC. 22. Parks—board of public works may be abolished.
1 The provisions of chapter 9, of title V of the code, and the amend-
2 ments thereto, relating to parks and park commissioners, shall be
3 applicable to and be in force in cities and towns organized under the
4 provisions of this act, to the same extent and effect that such pro-
5 visions are applicable to and in force in cities and towns of the same
6 class organized under the general laws of the state, except as changed
7 or modified by this act. The board of park commissioners shall
8 have and may exercise all powers conferred upon them by the pro-

[*Section 4906 of the Code is evidently intended.]

9 visions of chapter 9, title V of the code, and the amendments thereto,
10 except as herein changed or modified. Any city adopting the form of
11 government herein contemplated may abolish any board of public
12 works theretofore existing in such city, and all public works and
13 public improvements shall thereupon be under the supervision and
14 control of the manager, subject, however, to the action and direction
15 of the council.

1 SEC. 23. **Departments continued.** All departments of cities and
2 towns which shall adopt the form of government herein con-
3 templated, shall continue to exist as departments of the govern-
4 ment of such city or town until abolished, changed or modified under
5 the provisions of this act.

1 SEC. 24. **Passing ordinances—elections.** Every ordinance or
2 resolution appropriating money or ordering any sewer or street im-
3 provement, or making or authorizing the making of any contract, or
4 granting any franchise, or the right to use and occupy the streets,
5 highways, bridges or public places of the city or town, for any pur-
6 pose, shall be complete in the form in which it is finally passed, and,
7 except an ordinance or resolution for an improvement, the preserva-
8 tion of the public peace, health or safety, which contains a statement
9 of its urgency, shall remain on file with the city or town clerk, for
10 public inspection, at least one week before its final passage or adop-
11 tion. No ordinance passed by the council, except when otherwise
12 required by the general laws of the state, or by the provisions of this
13 act, and, except an ordinance for an improvement, the preservation of
14 the public peace, health or safety, which contains a statement of its
15 urgency, and is passed by a unanimous vote of the council, shall go
16 into effect, before ten days from the time of its passage; and, if dur-
17 ing said ten days, a petition, signed by the electors of the city or town,
18 equal in number to at least twenty-five per centum of the entire vote
19 cast in such city or town, at the last preceding general or municipal
20 election, as shown by the poll books of such election, protesting against
21 the passage of such ordinance, be presented to the council, such ordi-
22 nance shall thereupon, be suspended from going into operation, and it
23 shall be the duty of the council to reconsider the same, and, if the
24 same be not repealed, the council shall submit the ordinance to the
25 vote of the electors of the city or town at a regular or special election,
26 called for that purpose, in the manner provided by subdivision (b)
27 of section 1056-a37, supplement to the code, 1913. The petition, pro-
28 testing against an ordinance, shall be in all respects, in accordance
29 with the provisions of section 1056-a37, supplement to the code, 1913,
30 except as to the percentage of signers thereof, and shall be examined
31 and certified by the clerk, as provided in such section. If a majority
32 of the qualified electors, voting on the proposed ordinance, shall vote
33 in favor thereof, such ordinance shall thereupon become a valid or-
34 dinance of the city or town; and, any ordinance so adopted cannot be
35 repealed or amended except by a vote of the electors of the city or
36 town. The council may submit a proposition for the repeal of any
37 ordinance so adopted by the electors, or for the amendment thereof,
38 to be voted upon at any succeeding regular municipal election; and
39 should such proposition so submitted receive a majority of the votes
40 cast at such election, such ordinance shall thereby be repealed or
41 amended, according to the proposition submitted.

1 **SEC. 25. Franchises.** No franchise or right to occupy, or use the
2 streets, highways, bridges or public places of any such city or town,
3 shall be granted, renewed or extended, except by ordinance, and every
4 franchise or grant for interurban or street railways, gas or water
5 works, electric light or power plants, heating plants, telegraph or tele-
6 phone systems, or other public utilities, within such city or town, must
7 be authorized or approved by a majority of the electors of such city
8 or town, voting thereon, at a regular or special election, as provided
9 by section 776 of the code.

1 **SEC. 26. Vacancies.** Any vacancy in the council, caused by the
2 death, resignation, removal from office, or removal from the city or
3 town, shall be filled by the appointment made by the council, and in
4 cities where the territory lies in two townships divided by a water
5 course, the member of the council so appointed shall be a resident of
6 the township in which his predecessor in office resided at the time
7 of his election. The person so appointed by the council shall hold his
8 office for the unexpired term of his predecessor.

1 **SEC. 27. Abandonment of plan.** Any city or town which shall
2 have operated for six years or more under the provisions of this act,
3 may abandon its organization hereunder, and accept the provisions of
4 the general law of the state then applicable to cities or towns of like
5 population, or if now organized under special charter, may resume such
6 special charter by proceeding as follows:

7 Upon the petition of not less than twenty-five per centum of the
8 electors of such city or town, a special election shall be called at which
9 the following proposition shall be submitted:

10 "Shall the city (or town) of (name of city or town) abandon its
11 organization under chapter (here insert the number of the chapter
12 containing this act) of the thirty-sixth general assembly, become a
13 city (or town) under the general law governing cities and towns, or if
14 now organized under special charter, resume such special charter."

15 If the majority of the votes cast at such election be in favor of the
16 abandonment of the form of government provided by this act, the
17 officers elected at the next succeeding regular biennial election shall
18 be those then prescribed by the general law of the state for cities and
19 towns of like population, or those prescribed by the special charter of
20 such city, as the case may be, and upon qualification of such officers,
21 such city or town shall become a city or town under the general law
22 of the state, or under special charter, as the case may be; but such
23 change shall not, in any manner, affect the property, rights or lia-
24 bilities of such city or town, and shall extend only to such change in
25 the form of government thereof. The petition for the abandonment
26 of the form of government herein provided, shall be signed, filed, its
27 sufficiency determined, the election ordered and conducted, and the
28 results declared generally, as provided by section 2 of this act, so far
29 as the provisions thereof are applicable.

Approved April 16, A. D. 1915.